

REMARKS

Claims 1-3 and 5-17 are pending in the present application. Claim 4 has been cancelled without prejudice or disclaimer to the subject matter contained therein.

Objection to the Drawings

The drawings have been objected to for various reasons, as previously set forth in the Office Action, dated July 13, 2007. This objection is respectfully traversed.

In the Office Action, dated July 13, 2007, the Examiner asserts that the drawings do not illustrate all the claimed features of claims 1-17. Thereafter, the Examiner addressed specific issues with respect to Figure 1.

In the Response filed on October 15, 2007, the Applicant submitted a replacement for Figure 1, addressing all the issues specifically identified by Examiner.

Notwithstanding, the Applicant's resolving of the issues specifically identified by Examiner, the Examiner continues to assert, without any specificity or particularity, that the drawings are objected to for failing to illustrate every feature of claims 1-17.

It is respectfully submitted that the Examiner's objection to the drawings is irreconcilably deficient. In other words, the Examiner has failed to establish a prima facie case that the drawings fail to illustrate every feature of claims 1-17 because the Examiner has failed to identify even one single identifiable feature that is allegedly not illustrated by the drawings.

If the Examiner asserts that the drawings are objected to for failing to illustrate every feature of claims 1-17, it is the Examiner's burden to demonstrate which feature is not illustrated.

In response to this position, the Examiner alleges that the claimed method is not illustrated. This allegation fails to support the present objection.

More specifically, 37 C.F.R. 1.83(a) states:

(a) The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box).

37 C.F.R. 1.83(a) states that the drawings of a non-provisional application must show every feature of the invention specified in the claims. The presently pending claim is a method claim, and thus, there are no claimed features to be illustrated. Thus, this requirement of illustration is contrary to the actual language of 37 C.F.R. 1.83(a).

As respectfully submitted above, the presently pending claim is a method claim, and 37 C.F.R. 1.83(a) states that the drawings of a non-provisional application must show every feature of the invention specified in the claims. Since the presently pending claim is a method claim, there are no claimed features to be illustrated. Therefore, the present requirement under 37 C.F.R. 1.83(a) is improper.

Accordingly, in view of the Examiner failure to identify, with specificity and particularity, a single feature that is allegedly not illustrate and that the claimed subject matter is a method, the Examiner is respectfully requested to reconsider and withdraw this deficient objection to the drawings.

Rejection under 35 U.S.C. §102(a)&(e)

Claims 1 and 7-16 have been rejected under 35 U.S.C. §102(a)&(e) as being anticipated by Newman et al. (Published US Patent Application 2003/0020727). This rejection under 35 U.S.C. §102(a)&(e) is respectfully traversed.

In formulating the rejection under 35 U.S.C. §102(a)&(e), the Examiner alleges that Newman et al. discloses producing a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others (Figures 4 and 6 and paragraphs [0045]-[0059], [0063], [0064], and [0067] of Newman et al.); viewing the target under the illumination for which characterization is desired (Figures 4 and 6 and paragraphs [0002], [0010], [0018], [0039], [0040], and [0045]-[0067] of Newman et al.); selecting a best match from the metameric pairs, which estimates the viewing illumination (Figures 4 and 6 and paragraphs [0011]-[0018] and [0045]-[0067] of Newman et al.); entering an indicator of the estimated viewing illumination (paragraph [0072] of Newman et al.); and adjusting the characterization data to correspond to the estimated viewing illumination (paragraphs [0065]-[0072] of Newman et al.). Based upon these allegations, the Examiner concludes that Newman et al. anticipates the

presently claimed invention. These allegations and conclusion are respectfully traversed.

As set forth above, independent claim 1 recites a method for improving printer characterization to more accurately reproduce desired colors on a destination printing device given the ambient illumination at the location where the printer's output is intended to be viewed. The method produces a target consisting of pairs of metamers, where each pair matches for one illuminant and mismatches for others; views the target under the illumination for which characterization is desired; selects a best metameric pair match from the metameric pairs, which estimates the viewing illumination; enters an indicator of the estimated viewing illumination; and adjusts the characterization data to correspond to the estimated viewing illumination.

In contrast, Newman et al. illustrates, in Figures 4 and 6, the identification of the color space at different points along the image processing pipeline. More specifically, Newman et al. illustrates, in Figures 4 and 6, that the first color space is a device dependent color space. The second color space, as illustrated in Figures 4 and 6, is viewing condition dependent color space, followed by perceptual color space. The next color space, as illustrated in Figures 4 and 6, is viewing condition dependent color space, followed by device dependent color space.

In other words, Newman et al. illustrates, in Figures 4 and 6, the type or identification of the color space, not the action of viewing the target under the illumination for which characterization is desired and utilizing this viewing of the target under the illumination for which characterization is desired to select one of the metameric pairs, as set forth by independent claim 1.

Thus, Newman et al. fails to illustrate, in Figures 4 and 6, viewing the target under the illumination for which characterization is desired and utilizing this viewing of the target under the illumination for which characterization is desired to select one of the metameric pairs.

With respect to the Examiner's rebuttal, Newman et al. teaches that color is managed by a regression process. The regression process of Newman et al. receives input characterizing the targeted illumination conditions. Based upon the received

illumination condition, the process utilizes regression to produce an image that can be viewed under the targeted illumination conditions.

In disclosing this regression, Newman et al. fails to teach that the target is actually viewed under the illumination for which characterization is desired prior to selecting the metameric pair. More specifically, Newman et al. teaches viewing an image only **after** the regression analysis is completed. In other words, Newman et al. fails to teach or suggest any observation of the target under the illumination for which characterization is desired so that this observation can be utilized in selecting one of the metameric pairs, as set forth by independent claim 1.

Therefore, contrary to the Examiner's assertion, Newman et al. fails to anticipate viewing the target under the illumination for which characterization is desired and utilizing this viewing of the target under the illumination for which characterization is desired to select one of the metameric pairs, as set forth by independent claim 1.

With respect to dependent claims 7-16, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for these individual dependent claims, as these claims depend directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §102(a)&(e).

Rejection under 35 U.S.C. §103 over Newman et al. in view of Yamamoto

Claims 2-5, and 17 have been rejected under 35 U.S.C. §103 as being unpatentable over Newman et al. (Published US Patent Application 2003/0020727) in view of Yamamoto (Published US Patent Application 2002/0158933). This rejection under 35 U.S.C. §103 is respectfully traversed.

With respect to dependent claims 2-5, and 17, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for these individual dependent claims, as these claims depend directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §103.

Rejection under 35 U.S.C. §103 over Newman et al. in view of Official Notice

Claim 6 has been rejected under 35 U.S.C. §103 as being unpatentable over Newman et al. (Published US Patent Application 2003/0020727) in view of Examiner's Official Notice. This rejection under 35 U.S.C. §103 is respectfully traversed.

With respect to dependent claim 6, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as this claim depends directly or indirectly from allowable independent claim 1. The Applicant reserves the right to address the patentability of this dependent claim at a later time, should it be necessary.

Accordingly, in view of the remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §103.

Entry of Amendment Requested

The Applicant respectfully requests that the Examiner enter the amendment under 37 C.F.R. 1.116 for the following reasons. As demonstrated above, the present amendment places the application in condition for allowance without raising any new issues. Moreover, the amendment clearly reduces the issues in this application by removing the objection to the previously presented amendment and overcoming the rejection under 35 U.S.C. §112, first paragraph, and places the application in better condition for appeal. Therefore, the Applicant respectfully requests entry under 37 C.F.R. 1.116.

CONCLUSION

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Nickerson', with a stylized, flowing script.

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